

certify by signature and date that the inspections and tests were done.

(2) When the inspection indicates that a corrective action is necessary, the corrective action shall be made and the person shall record the corrective action taken.

(3) The certification and the record of corrective action shall be maintained at the mine rescue station for a period of one year and made available on request to an authorized representative of the Secretary.

[73 FR 53123, Sept. 15, 2008]

§ 49.7 Physical requirements for mine rescue team.

(a) Each member of a mine rescue team shall be examined annually by a physician who shall certify that each person is physically fit to perform mine rescue and recovery work for prolonged periods under strenuous conditions. The first such physical examination shall be completed within 60 days prior to scheduled initial training. A team member requiring corrective eyeglasses will not be disqualified provided the eyeglasses can be worn securely within an approved facepiece.

(b) In determining whether a miner is physically capable of performing mine rescue duties, the physician shall take the following conditions into consideration:

- (1) Seizure disorder;
- (2) Perforated eardrum;
- (3) Hearing loss without a hearing aid greater than 40 decibels at 400, 1,000 and 2,000 Hz;
- (4) Repeated blood pressure (controlled or uncontrolled by medication) reading which exceeds 160 systolic, or 100 diastolic, or which is less than 105 systolic, or 60 diastolic;
- (5) Distant visual acuity (without glasses) less than 20/50 Snellen scale in one eye, and 20/70 in the other;
- (6) Heart disease;
- (7) Hernia;
- (8) Absence of a limb or hand; or
- (9) Any other condition which the examining physician determines is relevant to the question of whether the miner is fit for rescue team service;

(c) The operator shall have MSHA Form 5000-3 certifying medical fitness completed and signed by the examining physician for each member of a mine

rescue team. These forms shall be kept on file at the mine rescue station for a period of one year.

§ 49.8 Training for mine rescue teams.

(a) Prior to serving on a mine rescue team each member shall complete, at a minimum, an initial 20-hour course of instruction as prescribed by MSHA's Office of Educational Policy and Development, in the use, care, and maintenance of the type of breathing apparatus which will be used by the mine rescue team. The initial training requirement is waived for those miners on a mine rescue team on the effective date of this rule.

(b) Upon completion of the initial training, all team members shall receive at least 40 hours of refresher training annually. This training shall be given at least 4 hours each month, or for a period of 8 hours every two months. This training shall include:

- (1) Sessions underground at least once each 6 months;
- (2) The wearing and use of the breathing apparatus by team members for a period of at least two hours while under oxygen every two months;
- (3) Where applicable, the use, care, capabilities, and limitations of auxiliary mine rescue equipment, or a different breathing apparatus;
- (4) Advanced mine rescue training and procedures; as prescribed by MSHA's Office of Educational Policy and Development; and
- (5) Mine map training and ventilation procedures.

(c) A mine rescue team member will be ineligible to serve on a team if more than 8 hours of training is missed during one year, unless additional training is received to make up for the time missed.

(d) The training courses required by this section shall be conducted by instructors who have been employed in an underground mine for a minimum of one year within the past five years, and who have received MSHA approval through:

- (1) Completion of an MSHA or State approved instructor's training course and the program of instruction in the subject matter to be taught.
- (2) Designation by the District Manager as approved instructors to teach

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specific courses, based on their qualifications and teaching experience. Previously approved instructors need not be re-designated to teach the approved courses as long as they have taught those courses within the 24 months prior to the effective date of this part. Where individuals are designated, the District Manager may waive the underground experience requirement.

(e) The District Manager may revoke an instructor's approval for good cause. A written statement revoking the approval together with reasons for revocation shall be provided the instructor. The affected instructor may appeal the decision of the District Manager by writing to the Administrator for Coal Safety and Health or Administrator for a Metal and Non-Metal Safety and Health, as appropriate, MSHA, 1100 Wilson Blvd., Room 2424 (Coal) or Room 2436 (Metal and Nonmetal), Arlington, Virginia 22209-3939. The Administrator shall issue a decision on the appeal.

(f) Upon request from the District Manager, the operator shall provide information concerning the schedule of upcoming training.

(g) A record of training of each team member shall be on file at the mine rescue station for a period of one year.

[45 FR 47002, July 11, 1980, as amended at 47 FR 23641, May 28, 1982; 47 FR 28095, June 29, 1982; 67 FR 38385, June 4, 2002]

§ 49.9 Mine emergency notification plan.

(a) Each underground mine shall have a mine rescue notification plan outlining the procedures to follow in notifying the mine rescue teams when there is an emergency that requires their services.

(b) A copy of the mine rescue notification plan shall be posted at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the plan.

Subpart B—Mine Rescue Teams for Underground Coal Mines

SOURCE: 73 FR 7648, Feb. 8, 2008, unless otherwise noted.

§ 49.11 Purpose and scope.

(a) This subpart implements the provisions of section 115(e) of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response (MINER) Act of 2006. Every operator of an underground coal mine shall assure the availability of mine rescue capability for purposes of emergency rescue and recovery.

(b) The following Table 49.11 summarizes the new requirements for mine rescue teams contained in section 4 of the MINER Act.

TABLE 49.11—SUMMARY OF NEW MINER ACT REQUIREMENTS FOR UNDERGROUND COAL MINE OPERATORS AND MINE RESCUE TEAMS

Requirement	Type of mine rescue team			
	Mine-site	Composite	Contract	State-sponsored
Team members must participate at least annually in two local mine rescue contests.	YES	YES	YES	YES.
Team members must participate in mine rescue training at each mine covered by the mine rescue team. A portion of the training must be conducted underground.	Annually at Large Mines; Semi-annually at Small Mines.	Semi-annually	Quarterly at Large Mines; Semi-annually at Small Mines.	Annually at Large Mines; Semi-annually at Small Mines.
Team must be available at the mine within 1 hour ground travel time from the mine rescue station.	YES	YES	YES	YES.
Team members must be knowledgeable about the operations and ventilation of each covered mine.	YES	YES	YES	YES.